

**CALIFORNIA COASTAL COMMISSION**

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# F5b

June 27, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director  
Chris Kern, North Central Coast District Supervisor  
Susan Craig, Coastal Planner

SUBJECT: **SAN MATEO COUNTY LOCAL COASTAL PROGRAM AMENDMENT NO. 3-00: Part A (Major).** (For public hearing and Commission action at its meeting of July 13, 2001 in Santa Rosa.)

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## EXECUTIVE SUMMARY

This amendment includes proposed changes to the Implementation Plan (consisting of the Zoning Regulations) and associated zoning maps of the San Mateo County Local Coastal Program. The proposed changes would revise the allowable building height limits and enact maximum floor area, daylight plane, and façade articulation requirements for residential parcels in the Mid-Coast. The proposed amendment would revise the R-1 zoned parking regulations for substandard lots, the design review district regulations, and the Home Improvement Exception for Mid-Coast parcels. The proposed amendment would also enact two new zoning districts with resultant combining district regulations and revise the zoning maps. With the modifications suggested by staff, the revised Implementation Plan would be fully consistent with, and adequate to carry out, the policies of the certified Land Use Plan.

## Background

On August 25, 2000 the Commission received an LCP amendment submittal from San Mateo County. This amendment, which constitutes one part of a larger amendment submittal, was given the number 3-00 (Part A). The Executive Director determined that LCP submittal #3-00 was in proper order and legally adequate to comply with the requirements of Section 30510(b) of the California Coastal Act and the amendment was filed on October 12, 2000.

Because of staffing constraints, staff was not able to prepare a staff recommendation for Commission action within 90 days of the filing of this amendment. Consequently, on November 15, 2000 the Commission extended the 90-day time limit for action on LCP amendment 3-00 up to one year.

The other component (Part B) regarding revision of the County's Surface Mining and Reclamation Ordinance for conformance with the State Surface Mining and Reclamation Act will be processed separately.



**California Coastal Commission**

## Summary Description of the Proposed Amendment

The entire text of the amendment submittal is attached to this report as Exhibit 1. As submitted, San Mateo County's LCP amendment No. 3-00 (Part A) (Major) includes:

1. Amending the "S-17" combining district regulations (Section 6300.2) to revise the building height limit and enact maximum floor area, daylight plane, and façade articulation requirements.
2. Enacting the "S-94" combining district regulations (Sections 6300.9.11.10-6300.9.11.9) to establish parcel size, parcel width, height, setback, parcel coverage, floor area, daylight plane, and façade articulation requirements.
3. Enacting the "S-105" combining district regulations (Sections 6300.14.00-6300.14.80) to establish parcel size, parcel width, height, setback, parcel coverage, floor area, daylight plane, and façade articulation requirements.
4. Amending the Zoning Maps (Section 6115) to rezone those Mid-Coast parcels designated Medium-Low Density Residential from "R-1/S-9" to "R-1/S-94."
5. Amending the Zoning Maps (Section 6115) to rezone those Mid-Coast parcels designated Low-Density Residential from "R-1/S-10" to "R-1/S-105."
6. Amending the Design Review "DR" district regulations (Sections 6565.2 and 6565.4) to establish a three-member design review committee.
7. Amending the parking regulations (Section 6118) to eliminate the covered parking requirements for R-1 zoned Mid-Coast parcels smaller than 3,500 sq. ft.
8. Amending the Home Improvement Exception (HIE) regulations (Section 6531) to preclude granting an HIE for Mid-Coast parcels to exceed the floor area limit.

## Additional Information

For further information about this report or the amendment process, please contact Susan Craig, Coastal Planner, at the Central Coast District Office of the Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863, or Chris Kern, North Central Coast District Supervisor, 45 Fremont St., Ste. 2000, San Francisco, CA 94105; telephone number (415) 904-5200.



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## I. STANDARD OF REVIEW

The Coastal Act provides:

*The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter...*

*The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.*

*The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the commission's rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission... (Sec. 30513)*

The standard of review that the Commission uses in reviewing the adequacy of zoning and other implementing measures is whether the implementing measures are consistent with and adequate to carry out the certified Land Use Plan.



## II. STAFF RECOMMENDATION

**MOTION I:** *I move that the Commission **reject** Major Amendment #3-00 (Part A) to the San Mateo County Local Coastal Program Implementation Plan as submitted.*

### **STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote on the motion above. Passage of this motion will result in rejection of the Implementation Plan amendment as submitted and the adoption of the following resolution and the findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

### **RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby **denies** certification of Major Amendment #3-00 (Part A) to the Implementation Regulations of the San Mateo County Local Coastal Plan and adopts the findings set forth below on the grounds that the amendment to the Zoning Regulations as submitted is not consistent with and/or is not adequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

**Motion II:** *I move that the Commission certify San Mateo County Implementation Plan amendment #3-00 (Part A) if it is modified as suggested in this staff report.*

### **STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies San Mateo County Implementation Plan Amendment #3-00 (Part A) if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications will be consistent with and adequate to carry out the requirements of the certified Land Use Plan. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act,



because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse impacts to the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### III. SUGGESTED MODIFICATIONS

*Note: The Commission suggests adding to the Implementation Plan the text that is underlined and deleting the text with ~~strikethrough~~.*

#### **Modification #1**

Clarify in Sections 6133, 6137, and 6503 of the Coastal Zoning Ordinance such that floor area limits, height, setbacks, and parcel coverage may not be exceeded on non-conforming parcels:

**Notwithstanding the provisions of subsection 6133(3)(b), subsection 6137(1), and section 6503, no use permit may be granted to exceed maximum floor area, height, setbacks, and parcel coverage for parcels located in the Mid-Coast.**

### IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

#### **A . A m e n d m e n t D e s c r i p t i o n**

The urban Mid-Coast area of San Mateo County (Exhibit 2), which includes the communities of Montara, Moss Beach, El Granada, and Miramar, historically was developed with small houses or cottages. In recent years much larger houses have been constructed up to the limits of the certified LCP. The changes proposed to the implementation portion of the San Mateo County Local Coastal Program would establish more restrictive house size, shape, and design regulations for R-1 zoned areas in the Mid-Coast. The proposed amendment would also enact two new zoning districts with resultant combining district regulations and revise the zoning maps. In addition, the proposed changes would amend the parking regulations to eliminate the covered parking requirements for R-1 zoned Mid-Coast parcels smaller than 3,500 sq. ft., and amend the Home Improvement Exception (HIE) regulations to preclude granting an HIE for Mid-Coast parcels to exceed the floor area limit. In order for the Commission to approve the proposed amendment, the proposed land use ordinance standards must be consistent with and adequate to carry out the resource protection policies found in the Land Use Plan.



## B. Public Concerns Regarding Non-Conforming Parcels

An issue raised during the public hearings held by the County and in letters addressed to the Commission by the Granada Sanitary District and their representatives, the City of Half Moon Bay, and concerned citizens (see Exhibits 3 through 9) concerns construction of homes on non-conforming lots. In the early 1900's much of the Mid-Coast was subdivided in residential tracts, with 25' x 100' (2500 sq. ft.) being the predominant size. Many of these lots have been combined into conforming parcels, but many non-conforming lots remain. The concern expressed in the various letters is that construction on these lots is contrary to the LCP's buildout numbers and would significantly impact the infrastructure and quality of living in the Mid-Coast area. While the Commission acknowledges that the buildout of non-conforming lots is an important planning issue in the County, this issue is outside the scope of the proposed LCP amendment because the scope of proposed LCP amendment is limited to the establishment of more restrictive house size, shape and design regulations for lots that are currently developable. The County is currently working on an update of its LCP and is holding regular public meetings on the LCP update. Examination of the broader issues of non-conforming lot buildout levels and consequent impacts to coastal resources and public access is included in the scope of study for the Mid-Coast LCP update project (see Exhibit 10). The appropriate mechanism to address the non-conforming lot/buildout-level issue is the LCP update. Both the ongoing local process and the Commission's future consideration of an LCP amendment to certify the update will provide opportunity for public review and comment regarding the issue of non-conforming lots.

An additional issue raised in letters from the Granada Sanitary District and their representatives (Exhibit 3 & 5) and in personal communications with residents of San Mateo County pertains to the legality of non-conforming parcels. The expressed concern is that this proposed amendment will confer legal status on illegal nonconforming parcels. Section 6132(11) of the Zoning Regulations defines a non-conforming parcel as "Any legal parcel with an area, width and/or frontage that does not conform with the minimum building site area, width or frontage required by the zoning regulations currently in effect, i.e., a non-conforming parcel." (see Exhibit 11, pg. 2). Section 6132(8) defines a legal parcel as "A parcel created by (1) a subdivision approved by the County, (2) a land division which was exempt from subdivision regulations, (3) a land division predating the County's authority over subdivision, July 20, 1945, provided the parcel in question has subsequently remained intact, (4) recording of a Certificate of Compliance or a Conditional Certificate of Compliance, or (5) other means but subsequently developed with a building or structure to serve the principal use of the parcel, for which a valid building permit was issued. Section 6132 defines a non-conforming situation as "Any zoning nonconformity that is not a non-conforming parcel, non-conforming use or non-conforming structure..." This amendment applies only to nonconforming parcels as defined under Section 6132(11) of the Zoning Regulations, which by definition are legal parcels. This amendment does not legitimize illegal parcels, does not address the issue of parcel legality, and in no way alters the existing process for determining the legal status of property.

In addition, the proposed amendment does not weaken any existing requirements governing the approval of coastal development permits. Section 6328.13 of the Zoning Regulations states:



**PRECEDENCE OF LOCAL COASTAL PROGRAM.** *Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the “CD” District, conflict with those of the underlying district, or other provisions of this Part, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.*

Sections 6328.15(a)(b)(c) of the Zoning Regulations state:

*FINDINGS. A Coastal Development Permit shall be approved only upon the making of the following findings: (a) That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. (b) Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). (c) That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.*

The above sections ensure that coastal development permits may be approved *only* if the proposed development is consistent with the standards contained in the certified LCP. The proposed amendment does not weaken any of the existing requirements or standards governing approval of coastal development permits. In addition, proposed development on nonconforming parcels requiring a coastal development or use permit will need to conform to the more stringent floor area, height, and design standards provided for in this amendment, if such standards are certified by the Commission.

A letter from the City of Half Moon Bay (Exhibit 4) strongly suggests that the County apply a proportionality rule to non-conforming lots, which would more severely restrict allowable home size on such lots. In a response letter (see Exhibit 12), San Mateo County Supervisor Richard Gordon addresses the issues raised in the City of Half Moon Bay letter. Supervisor Gordon details the “broad and inclusive local legislative process” that the County underwent to arrive at the proposed floor area limit for non-conforming lots. While this floor area limit is greater than what would be allowed under the City of Half Moon Bay’s proportionality rule, it is important to note that the standard of review for the proposed amendment is whether the implementing measures are consistent with and adequate to carry out the certified San Mateo County Land Use Plan. Furthermore, the proposed amendment limits floor area more restrictively for severely non-conforming parcels compared to conforming parcels. This reduced FAR may provide an incentive to merge lots into standard or conforming lots. The San Mateo County LCP contains provisions regarding merging of non-conforming lots, e.g. Section 6133(3)(b) states, in part:

*A use permit for development on a non-conforming parcel may only be issued upon making the following findings:...(3)(b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.*

In addition, LUP Policy 1.20 states:



*According to the densities shown on the Land Use Plan Maps, consolidate contiguous lots, held in the same ownership, in residential subdivisions in Seal Cove to minimize risks to life and property and in Miramar to protect coastal views and scenic coastal areas.”*

These existing policies will likely be augmented by new policies in the San Mateo County LCP update regarding adequacy of controls on development of non-conforming parcels (see Exhibit 10, #5).

Finally, there has been some confusion regarding the outcome of San Mateo County LCP amendment 1-97-C which, in part, proposed revisions to Zoning Nonconformities Regulations Section 6133 and Use Permit Regulations Section 6503. The Commission denied proposed amendments to these sections; therefore, the previously certified text of Sections 6133 and 6503 of the LCP remains (see Exhibit 11 for the present text of these sections).

## C. Rezoning

The proposed amendment would enact new combining district regulations and amends zoning maps to rezone those Mid-Coast Parcels designated Medium-Low Density Residential from R-1/S-9 to R-1/S-94 and Mid-Coast parcels designated as Low-Density Residential from R-1/S-10 to R-1/S-105. These changes are proposed because there are R-1/S-9 and R-1/S-10 zones elsewhere in the unincorporated portions of San Mateo County which will not be affected by the proposed amendment. Parcel size, parcel width, setback requirements, and parcel coverage in the new R-1/S-94 and R-1/S-105 zones are equivalent to those of the R-1/S-9 and R-1/S-10 zones, respectively. However, under the proposed amendment, new development in the R-1/S-94 and R-1/S-105 zones would be subject to new standards regarding floor area, height, design, and design review.

The third zone affected by the proposed amendment is R-1/S-17. Under the amendment, this zoning designation would apply to the same parcels as it does now, and the parcel size, parcel width, setback requirements, and parcel coverage would remain the same. As above, under the proposed amendment new development in the R-1/S-17 zone would be subject to new standards regarding floor area, height, design, and design review. (See Exhibit 1 for the entire text of the amendment submittal.)

## D. Zoning Methods to Control House Size

San Mateo County LUP Policy 8.12(b) states:

*Employ the design criteria set forth in the Community Design Manual for all new development in urban areas.*

Applicable San Mateo Community Design Manual criteria include:

**SITING:** *Structures and accessory structures should be located, designed, and constructed to retain and blend with the natural vegetation and natural land forms of the site (i.e., topography, rock-outcroppings, ridgelines, tree masses, etc.), and should be complementary to adjacent neighborhood structures.*

**VIEW PRESERVATION:** *Views should be preserved by limiting structure height.*





***SCALE:*** Structures should relate in size and scale to adjacent buildings and to the neighborhood in which they are located.

San Mateo County LUP Policy 8.12(c) states:

*Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.*

San Mateo County LUP Policy 8.13(a) states, in part:

*(1) Design structures which fit the topography of the site and do not require extensive cutting, grading, or filling for construction.*

*(3) Use pitched, rather than flat, roofs...*

*(4) Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape.*

*(5) To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea...*

The five zoning methods typically used to control house size, shape, bulk, and visual impact are:

- Maximum Building Height
- Maximum Floor Area
- Daylight Plane
- Façade Articulation
- Design Review

The proposed amendment adds to or changes existing zoning regulations to address each of the above factors, as discussed below.

### 1. Maximum Floor Area

The certified LCP does not include a floor area limit based on parcel size. Floor area is currently controlled by height and lot coverage limits. The proposed amendment limits house size as a function of parcel size. The proposed floor area limit is .53 of the parcel size for conforming parcels and .48 of the parcel size for non-conforming parcels (see Table 1). If a parcel is only substandard by  $\leq 5\%$ , the allowed floor area is between .48 and .53 of the parcel size. The floor area limit applies to the floor area of all stories of all buildings and accessory buildings on a building site, including garages. However, in all cases, the maximum allowable floor area is 6,200 square feet. On parcels  $\leq 3,500$  square feet, covered parking would not be required. This approach is intended to reduce overall



building size while providing adequate living area and improved design flexibility for small houses allowed on these non-conforming parcels. However, off-street parking spaces would still be required, as described in Section 6119 of the Zoning Regulations.

Parcel Size	Maximum Building Floor Area
2,500-4,749 sq. ft. or less than 45 ft. parcel width	0.48(parcel size)
4,750-4,999 sq. ft.	$0.53 - ((5,000 - \text{parcel size}) \times 0.0002) \times \text{parcel size}$
5,000-11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

**Table 1. Formula for determining floor area limits.**

A comparison of maximum allowable house size under the current and proposed zoning regulations for parcels in the R-1/S-17, R-1/S-9(4), and R-1/S-10(5) zones is shown in Tables 2 through 4:

<b>MAXIMUM FLOOR AREA (LIVING AREA + GARAGE) (sq. ft.)</b> <b>(minimum parcel size in R-1/S-17 zoning district is 5,000 sq. ft.)</b>			
Parcel Area	Existing R-1/S-17	Proposed R-1/S-17	Decrease
2,500	1,500	1,200*	20%
5,000	3,500	2,650	24%
7,500	5,250	3,975	24%
10,000	7,000	5,300	24%
12,500	8,750	6,200	29%
15,000	10,500	6,200	41%

\* No garage requirement

**Table 2. Maximum allowable floor area in the R-1/S-17 zone.**



<b>MAXIMUM FLOOR AREA (LIVING AREA + GARAGE) (sq. ft.)</b> (minimum parcel size in R-1/S-9(4) zoning district is 10,000 sq. ft.)			
<b>Parcel Area</b>	<b>Existing R-1/S-9</b>	<b>Proposed R-1/S-94</b>	<b>Decrease</b>
2,500	1,500	1,200*	20%
5,000	4,500	2,400	47%
7,500	6,750	3,600	47%
10,000	9,000	5,300	41%
12,500	11,250	6,200	45%
15,000	13,500	6,200	54%
* No garage requirement			

**Table 3. Maximum allowable floor area in the R-1/S-9(4) zone.**

<b>MAXIMUM FLOOR AREA (LIVING AREA + GARAGE) (sq. ft.)</b> (minimum parcel size in R-1/S-10(5) zoning district is 20,000 sq. ft.)			
<b>Parcel Area</b>	<b>Existing R-1/S-10</b>	<b>Proposed R-1/S-105</b>	<b>Decrease</b>
2,500	1,500	1,200*	20%
5,000	3,750	2,400	47%
7,500	5,625	3,600	47%
10,000	7,500	5,300	41%
12,500	9,375	6,200	45%
15,000	13,500	6,200	54%
20,000	15,000	6,200	59%
* No garage requirement			

**Table 4. Maximum allowable floor area in the R-1/S-10(5) zone.**

As stated above, the standards regarding parcel size, parcel width, setbacks, and parcel coverage will remain the same as under existing regulations. In contrast, as seen in Tables 2 through 4, the allowable floor area on a developable parcel will decrease substantially under the proposed amendment. The proposed floor area limits will provide for structures that are proportionally scaled to their building site, thereby reducing impacts on visual resources. Because maximum allowable parcel coverage will remain the same as under existing regulations, there will be no increase in impervious surfaces. In addition, the current Home Improvement Exception (HIE) provisions allow for enlarging a house up to 250 square feet in excess of the allowable floor area. The proposed amendment would not allow use of an HIE to exceed the maximum floor area limit in the Mid-Coast. Thus the proposed floor area limits will assure that houses are more in scale with the character of their setting, rather than dominating or distracting from their setting.

Sections 6133, 6137, and 6503 of the current zoning ordinance contain provisions that would allow development on non-conforming lots to exceed the proposed floor area standards, through the issuance



of a use permit (see Exhibit 11). For example, Section 6133(3)(b)(1)(b) states:

*(b) Proposed development on any unimproved non-conforming parcel, that does not conform with the zoning regulations in effect, shall require the issuance of a use permit.*

In addition, Section 6133(3)(b)(3)(c) states:

*(3). Use Permit Findings. As required by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings: (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.*

Similar provisions in Sections 6137 and 6503 would also allow for exceptions to the floor area limits set by the proposed amendments. In certain situations, the use permit process within the certified Implementation Plan that has specific standards in conflict with the proposed zoning standards creates an impermissible conflict within the certified LCP itself. In the Coastal Zone, certain proposed projects require a use permit but not a coastal development permit. For example, certain development in specifically defined areas that has been categorically excluded would not require a coastal development permit but would require a use permit. In these instances, use permit requirements exist independently of coastal development permit requirements. However, where both a coastal development permit and a use permit are required, use permit requirements are coextensive with coastal development permit requirements. Accordingly, where a coastal development permit would be required, Sections 6328.4 and 6328.13 of the implementation plan assure that within the coastal zone, use permit requirements do not replace or substitute for coastal development permit requirements.

Within the area that would be governed by the proposed amendment, Categorical Exclusion E-81-1 explicitly provides that parcels that do not meet the zoning ordinance standards (i.e., substandard-sized parcels) do not qualify for a Categorical Exclusion. Therefore, a nonconforming lot will always require a coastal permit and a use permit. However, as stated above, Sections 6133, 6137, and 6503 of the Zoning Regulations contain use permit provisions that would be inconsistent with the floor area requirements of the proposed amendment governing coastal development permits. Thus Commission staff suggests **Modification #1**, which would apply to the above three Sections of the zoning ordinance. This modification would ensure that the Implementation Plan is internally consistent and that the floor area limits provided in this amendment would not be exceeded on any non-conforming parcel that requires a use permit or a coastal development permit. With this modification, developed in coordination with County staff, the Commission finds that the proposed Implementation/Zoning amendment regarding maximum floor area is consistent with the Structural and Community Features policies of the certified Land Use Plan.

## 2. Maximum Building Height

San Mateo County LCP Policy 8.12(b) requires that the County employ design criteria set forth in the San Mateo Community Design Manual for development in urban areas. The Design Manual and LCP Policy 8.12(c) require that the design of new development shall protect views. Under the certified LCP, the height limit is 28 feet in the R-1/S-17 zone, with exceptions to 36 feet under certain



conditions in “DR” combining zones. In the R-1/S-9 and R-1/S-10 zones, the height limit is currently 36 feet. The proposed amendment limits heights in these zones to 28-33 feet, depending on zoning district, parcel size, and slope, with exceptions to 36 feet for chimneys, antennae, solar panels, etc. (see Exhibit 1).

Under the certified LCP, conformance with the height limit is determined by averaging the highest and lowest portions of the house. On sloping parcels, houses have been built in conformance with the height limit, but have massive (40+ ft.) down slope walls. The proposed amendment averts this outcome by requiring that *any* part of the house not exceed the height limit. Therefore, conformance with the height limit is *not* determined by averaging the highest and lowest portions, but by measuring the *actual* height of any and all portions of the house. This averts overly large walls and encourages houses that step down the slope and follow the contours of the land, as shown in the illustration in Exhibit 13.

As seen in Exhibit 13, however, the house under the proposed amendment is two stories at its uppermost portion as compared to the house under existing regulations, which is one story at its uppermost portion. This example seems to suggest that in certain cases homes under the proposed amendment could have greater impacts on views. In fact, the proposed house in Exhibit 13 *could* be constructed under the current zoning regulations. However, the existing house with the massive wall in Exhibit 13 *could not* be built under the proposed amended regulations. In addition, the proposed amendment would limit height of most homes to between 28 and 33 feet (with a few specific exceptions to 36 feet). Current regulations allow home heights of 36 feet in the R-1/S-9 and R-1/S-10 zones. Overall the effects of the proposed amendments will be a reduction in the height of homes and a ban on the construction of homes with large, flat walls. Also, the proposal measures height as the actual distance above grade. These changes will result in lower houses that have less potential to block views.

Sections 6133, 6137, and 6503 of the current zoning ordinance contain provisions that would allow development on non-conforming lots requiring a use permit to exceed the proposed height limit standards (see Exhibit 11). As discussed above in the Section on “Maximum Floor Area,” **Modification #1**, would apply to the above three Sections of the zoning ordinance. This modification would ensure that the building height limits provided in this amendment will not be exceeded on any non-conforming parcel through issuance of a use permit or a coastal development permit. With this modification, the Commission finds that the proposed Implementation/Zoning amendments regarding maximum building height will not impact coastal views and are consistent with Visual Resources Component policy 8.12 of the certified Land Use Plan.

### 3. Daylight Plane, Façade Articulation, and Design Review

LCP Policy 8.13(a) provides special design guidelines for coastal communities, including the requirement that structures in the Mid-Coast be in scale with the character of the setting and blend with the urbancape. The proposed amendment would require that new homes in the Mid-Coast be designed either to conform to a daylight plane or include façade articulation features, as determined by the applicant. A daylight plane directs the highest part of the house towards the center of the building (see Exhibit 13). Façade articulation is a design technique which breaks up flat walls through the



placement of projecting or recessing architectural details, including decks, bay windows, balconies, porches, etc. Daylight plane and façade articulation techniques are used to prevent large, flat walls near neighboring residences.

Under the certified LCP there is neither a daylight plane or façade articulation requirement. The certified LCP does not control where the tallest part of the house may be located. The proposed daylight plane option directs the tallest part of the house to the center. This averts high walls next to smaller-scale adjacent houses. In addition to the daylight plane or façade articulation requirement, the proposed amendment involves an enhanced design review process in which all proposed houses in the Mid-Coast would be subject to review by a three-member Design Review Committee. The certified LCP does not have this requirement for new residential development in the Mid-Coast. If façade articulation is the chosen method, the Design Review Committee must find that: (1) all building façades are well articulated and well proportioned, and (2) each building wall is broken up so as not to appear sheer, blank, looming, or massive to neighboring properties.

In conjunction with the proposed floor area and height restrictions discussed above, the proposed daylight plane and/or façade articulation requirements would provide that new residential development in the Mid-Coast be designed so that house size, shape, and height minimally impact neighboring parcels. The additional requirement of design review for new homes in the Mid-Coast would assure that new houses are designed with architectural elements and façades that are aesthetically composed and proportioned. Therefore, as modified, the Commission finds that the proposed Implementation/Zoning changes are consistent with structural and community features Policy 8.13 of the certified land use plan because the changes will help carry out the design guidelines of these policies and of the Community Design Manual.

## E. Consistency with the California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been designated by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

*...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.*

As discussed above, if modified as suggested, the County's proposal is consistent with the Land Use



Plan and will not have any significant adverse environmental impacts. The Commission incorporates its findings on land use plan conformity at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse effects of the project that have been received as of the writing of this report. Therefore, the Commission finds that approval of the Implementation Plan with the incorporation of the suggested modifications to implement the Land Use Plan will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

